

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE: Continuation of Continuation of
Reissue Application, U.S. Serial No.
08/880,748, Filed: 6-23-97,
a Continuation of Reissue Application,
U.S. Serial No. 08/369,910, Filed: 1-9-95,
of Dillis V. Allen
INVENTOR: Dillis V. Allen
PATENT NO: 5,301,941
ISSUED: April 12, 1994
FOR: IMPROVED GOLF CLUB HEAD WITH INCREASED
RADIUS OF GYRATION AND FACE REINFORCEMENT

REISSUE CONTINUATION
SERIAL NO: _____
FILED: _____

U.S. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

REISSUE CONTINUATION APPLICATION OATH

I, Dillis V. Allen, being duly sworn, depose and say that I am a citizen of the United States of America, and a resident of Elgin, Illinois; that I verily believe myself to be the original, first and sole inventor of the invention described and claimed in Letters Patent No. 5,301,941, and in the foregoing specification and in original Reissue Application Serial No. 08/369,910, Filed 1-9-95, and in a Continuation of Reissue Application, U.S. Serial No. 08/880,748, Filed 6-23-97, of which this application is a Continuation, and for which invention I solicit a Reissue Patent; that I do not know and do not believe that said invention was ever known or used in the United States of America before my invention thereof, that it is claimed that such patent is inoperative or invalid by reason of the patentee claiming more or less than he had the right to claim in the patent, and the following is a distinct specification of the excess or insufficiency in the claims, particularly specifying the errors relied upon, and how they arose or occurred. These errors arose without any deceptive intention on the part of the applicant, and applicant acknowledges the duty to disclose to the Office all information known to applicant to be material to patentability as defined in 37 CFR 1.56.

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My U.S. Patent No. 5,301,941 issued on April 12, 1994. Subsequent thereto and on August 10, 1994, in making a routine search through the golf club art, and particularly in Class 273, I found for the first time the Cleveland, U.S. Patent No. 5,312,105, a copy of which appears at pages 1-10 in the accompanying Appendix. This patent discloses the concept of extending the heel 7 beyond the hosel 6 in a direction opposite the ball striking area 9. Upon reviewing the claims in this patent, I found that Claims 1 to 9 claim this feature. This is the feature defined in Claims 12 to 18 of my U.S. Patent No. 5,301,941.

The following is a comparison of Claim 1 in the Cleveland, U.S. Patent No. 5,312,105, with Claim 15 in my U.S. Patent No. 5,301,941.

Cleveland Claim 1: An iron or wood type golf club head comprising: a sloping front face having a grooved striking zone for impacting a golf ball, a toe, and a heel having a tip end, said face comprising in addition to said striking zone a wide zone adjacent said toe and a narrow zone adjacent said heel, and at its base a lower, leading edge; and an integral hosel segment including a bore for receiving a shaft; wherein said hosel extends from said narrow zone between said heel portion and said striking zone, and the axis of said hosel bore is spaced from the tip end of said heel by a distance of at least 8 mm.

Allen Claim 15: A high impact golf clubhead, comprising: a metallic body having a substantially flat ball striking wall on one side thereof angularly related to a vertical plane to provide clubhead loft, said ball striking wall having a plurality of generally parallel grooves therein and a face height of at least 1.40 inches, said body wall having a substantially uniform thickness, said body wall having a heel portion and a toe portion, said body having an integral hosel for receiving one end of a club shaft, means for perimeter weighting the body including an integral metallic perimeter wall surrounding at least a

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major portion of the body wall and extending rearwardly therefrom forming a cavity in the rear of the clubhead with a bottom defined by the back of the ball striking wall, and means for increasing the perimeter weighting of the clubhead including an extension of the heel portion of the body wall a substantial distance on the side of the hosel opposite the wall toe portion and perpendicular to the target line defining an extended heel portion and an extension of the perimeter wall around the perimeter of the extended heel portion of the ball striking wall, said hosel having an axis, said extension of the body wall and said extension of the perimeter wall not being greater than 0.625 inches from the hosel axis in a direction perpendicular to the hosel axis.

The Allen Claim 15 is more specific than Cleveland Claim 1 in a plurality of respects. Firstly, my Claim 15 requires a face height of "at least 1.40 inches", and this limitation is not found in the Cleveland Claim 1. And the extension of the heel is defined in the Cleveland Claim 1 as "the axis of the hosel bore is spaced from the tip end of the heel by a distance of at least 8 mm.", while in my patent the extension is defined as "said extension of the body wall and the extension of the perimeter wall not being greater than 0.625 inches from the hosel axis in a direction perpendicular to the hosel axis." These limitations may each be argued to be both broader or narrower than the other depending upon interpretation.

In the accompanying Request by Applicant for Interference with the patent under 37 CFR 1.697, applicant proposes Claim 24 as the Count of the interference. Claim 24 corresponds substantially to Claim 1 in the Cleveland patent. The following is a reading of Claim 24 upon applicant's disclosure, and it is submitted that such Claim is fully supported thereby.

ALLEN CLAIMS CORR-
SPONDING TO COUNT

DISCLOSURE OF ALLEN
REISSUE APPLICATION

Claim 24

An iron or wood type golf
club head comprising:

- A. A sloping front face having a grooved striking zone for impacting a golf ball, a toe, and a heel having a tip end,
1. said face having a toe portion adjacent the toe and a generally narrower heel portion adjacent the heel, and at its base a lower, leading edge;
- B. An integral hosel segment including a bore for receiving a shaft;
- C. wherein
1. said hosel extends between said heel portion and said striking zone,
2. and the axis of said hosel bore is spaced from the tip end of said heel by a distance of about .500 inches.
- A. The club head 10 is a "wood" type as seen in Figs. 1 to 10, 15 and 16, and the ball striking surface of the insert 12 is sloped as seen in Figs. 5, 6, 10 and 11. The insert 12 is grooved as seen in Figs. 1 to 3.
- As seen in Figs. 3 and 9, the ball striking face is deeper (vertically) at the toe 44 than at the heel 24.
- B. Hosel 12 has a bore therethrough as seen in Fig. 11.
1. The hosel 21 extends upwardly from the area of heel 24.
2. The axis 39 of the hosel 21 is spaced from the end of the heel 24 a distance of 0.562 inches. See Column 8, lines 48 to 50. 0.562 inches is more than "8 mm." which as a decimal equivalent of 0.3150 inches.

Thus, the first purpose of the present Reissue is to provoke an interference with the Cleveland, U.S. Patent No. 5,312,105. Furthermore, the other Claims in the Cleveland patent; namely, Claims 2, 3, 4, 6, 7 and 8, are also supported by the present disclosure and the subject matter of one of these Claims has been added to the Reissue Application as Claim 20.

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Next, Claim 21 has been added to this application because of an unnecessary limitation in Claim 15 in my U.S. Patent No. 5,301,941. Namely, the limitation that the face height be at least 1.40 inches is an unnecessary limitation to the claim and formed no basis for its allowance. The 1.40 inch limitation was originally included in Claim 15 in an effort to define over low impact golf clubs and particularly putters. Putters usually have a face height less than 1.40 inches. However, the limitation is unnecessary because the preamble already defines the clubhead as "a high impact golf clubhead". Claim 21 defines over the prior art in the limitation "means for increasing the perimeter weighting of the clubhead including an extension of the heel portion of the body wall a substantial distance on the side of the hosel opposite the wall toe portion and perpendicular to the target line defining an extended heel portion and an extension of the perimeter wall around the perimeter of the extended heel portion of the ball striking wall, said hosel having an axis, said extension of the body wall and said extension of the perimeter wall not being greater than 0.625 inches from the hosel axis in a direction perpendicular to the hosel axis." Thus, the next reason for this reissue is to present Claim 21 as a slightly broadened version of my patent Claim 15.

Claim 20 differs in scope from all of the original claims for the same reasons patent Claim 15 differs from Claim 1 in the Cleveland patent noted above. Claim 20 depends from Claim 19, and Claim 19 corresponds to Claim 1 in the Cleveland patent. Since Claim 20 corresponds to Claim 4 in the Cleveland patent, which depends from Claim 1 in the Cleveland patent, the differences between Claim 15 in the original patent and Claim 1 in Cleveland are the same as the differences between Claim 20 and the Claims in the original patent. More specifically, Claim 20 does not require a face height of 1.40 inches, does not recite "means for increasing the perimeter weighting of the clubhead" and uses completely different language to express the extension of the heel from the hosel.

Claims 22 and 23 correspond to Claims 19 and 20 except they substitute the word "portion" for the word "zone" in an attempt to overcome the Examiner's argument in parent Reissue application Serial No. 08/369,910, filed 1-9-95, that the patent's original specification did not support the word "zone". Webster defines the word "portion" as "a part which, though not actually separate from the whole, is considered by itself". The terminology "toe portion" and "heel portion" is found in Patent Claim 15.

Claim 25 corresponds to Patent Claim 15 except for:

- (a) the deletion of the 1.40 inch limitation discussed above;
- (b) the change of the phrase "not being greater than 0.625 inches" to "about .500 inches" to reflect more closely the value in line 47 of Column 8 of the Patent, and with the addition of the limitation of "said perimeter wall including a top wall portion, a bottom wall portion and a rear wall portion, and the top wall portion converging at an acute angle to define a generally pointed heel tip" in order to more specifically define the shape of the heel projection that minimizes weight addition as described in part in Column 5, lines 24 to 32 as follows:

"These extensions of the heel and toe are accomplished without any significant increase in overall clubhead weights, by extending the clubhead top wall downwardly almost to the plane of the sole plate, and flattening the rear wall almost to the plane of the sole plate. This design reduces perimeter wall and sole plate wall weight for a given size head and enables the saved weight to be positioned at the extended heel and toe portions of the clubhead."

Next, there is certain prior art cited during the prosecution of the Cleveland, U.S. Patent No. 5,312,105, that was not considered by the Examiner in the prosecution of this patent. While none of this prior art is believed anticipatory of either any of the Claims that issued in my patent nor any of Claims 1, 2, 3, 4, 6, 7 or 8 in the Cleveland patent, it should nevertheless be considered during the following proceedings.

PRIOR ART CITED IN U.S. PATENT NO. 5,312,105
NOT CITED IN THE ALLEN, U.S. PATENT NO. 5,301,941

Johnson, U.S. Patent No. 3,762,717
Judice, U.S. Patent No. 3,967,826
Solheim, U.S. Patent No. 4,621,813
Tunstall, U.S. Patent No. 4,695,054
Fijimura, et al., U.S. Patent No. 4,848,747
Creighton, et al., U.S. Patent No. 4,955,610
Antonious, U.S. Patent No. 5,046,733
Eger, U.S. Patent No. 5,160,136
Solheim, U.S. Patent No. 5,193,805

Foreign Patents:

1,544,211 - United Kingdom
92019329 - World Int. Prop. O.
Hannon, et al.

These patents appear at pages 11 to 120 in the accompanying Appendix to this Reissue Oath.

Additionally, two design patents, namely the Flood, U.S. Design Patent No. 285,473, and the Flood, U.S. Design Patent No. 298,269, were inadvertently not called to the Examiner's attention in the prosecution of this application underlying my patent for the simple reason that copies of these patents were in a different file and were not added to the patent application file as they should have been. Copies of these design patents appear at pages 98 to 102 in the accompanying Appendix. These two patents were called to my attention by the very law firm of Parkhurst, Wendel & Rossi, 1421 Prince Street, Suite 210, Alexandria, Virginia, that prosecuted the underlying Cleveland application in a letter dated December 1, 1992, which interestingly corresponds to the filing date of the underlying Cleveland application. A copy of this letter appears at page 103 in the accompanying Appendix and is seen to be a reply to my allegation that claims in my application underlying my issued patent might, when issued, cover the Cleveland VAS irons manufactured by Cleveland Classics. These irons are similar to the Fig. 9 and 10 embodiment in the Cleveland, U.S. Patent No. 5,312,105. The Cleveland attorney's letter of December 1, 1992, was an obvious suggest-

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ion that the Flood patents may anticipate any claims in my application drawn to the feature of the heel projecting from the hosel in a direction opposite the ball striking face. If that be the case, it is incomprehensible that Cleveland's attorneys did not call the Patent Office's attention to the two Flood patents in its Information Disclosure Statement filed the following month, on January 14, 1993, and a copy of that Information Disclosure Statement is included in the accompanying Appendix at pages 104-105, and it seems somewhat inconsistent that Mr. Cleveland's attorneys would represent to myself at the very date of filing of the Cleveland application, that the Flood patents reflect on the validity of any claims in my application drawn to the heel extension feature, when in fact Mr. Cleveland's attorneys planned to and did prosecute claims to that very feature and never called the Examiner's attention to the two Flood patents.

In any event, these two Flood patents should be considered during the following proceedings.

Further, two additional publications, the Flood, U.S. Des. Patent No. 340,492, and the British Published Application 2,230,459, have been called to the Patentee's attention since the filing of the parent Reissue Application U.S. Serial No. 08/369,910, Filed: 1-9-95. These patents appear at pages 106-120 of the accompanying Appendix, and are not believed to affect the patentability of any of the presently offered Claims, but should be considered by the Patent and Trademark Office.

Claim 1 has been amended to change the word "case" to "cast". Claim 1 as allowed in the underlying application, recited "cast", so this error was a printing error which this amendment is intended to correct.

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Finally, Claims 1, 2 and 3 contain a typographical error that apparently was effected by the printer; namely, the term "gold" in the first line of all three of these claims should, of course, be "golf" and the changes to Claims 1, 2 and 3 are designed to correct this error.

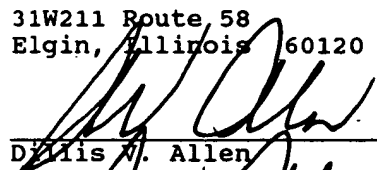
To more fully explain the manner in which the errors occurred over and above those set forth in the original Oath, and as required by the Examiner on page 4 of the Office Action, applicant states as follows:


The routine search in the golf art by applicant is of course relevant to some of the errors but not the "occurrence" of the errors. The search was relevant to the discovery of some of the errors because this patentee found for the first time Mr. Cleveland was not only granted claims that conflict with the patentee's, but that some of those claims appeared broader than the patentee's. Hence, the patentee discovered at that same time that the patentee might be entitled to the broader Cleveland claims because the Patent and Trademark Office found them allowable in the underlying Cleveland application. The typographic errors in Claims 1 to 3 were discovered for the first time in December of 1994 and early January of 1995, when the patent claims were reviewed in the preparation of this reissue application.

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Date: 8/18/99


Dillis V. Allen
Inventor


Dillis V. Allen, President
Vardon Golf Company, Inc.
Assignee

Subscribed and sworn to before me this 18th day of August, 1999.

Notary Public

OFFICIAL SEAL
IRENE F ALLEN
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES: 10/18/01

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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INVENTOR: Dillis V. Allen
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ISSUED: April 12, 1994
FOR: IMPROVED GOLF CLUB HEAD WITH INCREASED
RADIUS OF GYRATION AND FACE REINFORCEMENT

REISSUE CONTINUATION
SERIAL NO: 09/378,131
FILED: 8-20-99
EXAMINER:
ART UNIT:

U.S. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

REQUEST FOR NOTICE TO FILE MISSING PARTS

Honorable Sir:

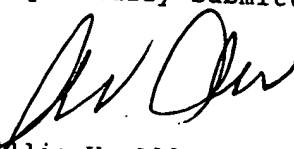
In an Action dated September 28, 1999, entitled
"REISSUE SUPPLEMENT TO NOTICE TO FILE MISSING PARTS OF
APPLICATION", neither the box entitled "Notice to File Miss-
ing Parts of Application" Filing Date Granted (PTO-1533),
nor the box entitled "Notice to File Missing Parts of Ap-
plication" No Filing Date Granted (PTO-1532) were checked by
the Initial Patent Examination Division.

Furthermore, no further Notice to File Missing
Parts of Application was enclosed with the September 28,
1999 document, and hence, the Patent Owner has not been in-
formed of any time limit for filing the missing documents,

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which in this case is the Assignment statement under 37 CFR 3.73(b). Therefore, the Patent Owner requests the mailing of a Notice to File Missing Parts and a time limit in which to respond.

Respectfully submitted,


Dillis V. Allen
Patent Owner
Reg. No. 22,460

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I hereby certify that this correspondence,
Re: [illegible], is being deposited
with the United States Postal Service
as First Class mail in an envelope
addressed to: Commissioner of
Patents and Trademarks, Washington,
D. C. 20231, on *December 2, 1999*


Attorney

December 2, 1999
Date